

MHDS COMMISSION
May 20, 2021
9:30 am to 12:00 pm
Zoom – Approved 6/17/2021

MHDS COMMISSION MEMBERS PRESENT:

Betsy Akin	Maria Sorensen
Diane Brecht	Cory Turner
Teresa Daubitz	Lorrie Young
Janee Harvey	Rep. Dennis Bush
Timothy Perkins	

MHDS COMMISSION MEMBERS ABSENT:

Sen. Jeff Edler	Shari O'Bannon
Rep. Lindsay James	Sen. Sarah Trone Garriott

OTHER ATTENDEES:

Theresa Armstrong	Todd Lange
Wendy DePhillips	Carrie Malone
Marissa Eyanson	Cheryl Plank
Nancy Freudenberg	Libby Reekers
Melinda Haley	Flora Schmidt
Emma Hall	Susan Seehase
John Hedgecoth	Cynthia Steidl Bishop
Julie Jetter	Karla Webb
Bill Kallestad	Gano Whetstone
Don Kass	Richard Whitaker
Gretchen Kraemer	Russell Wood

Materials Referenced:

April 15, 2021 Meeting Minutes
Boards and Commissions 2021
225C.5 Mental Health and Disability Services Commission
225C.6 Duties of Commission
Central Iowa Community Services (CICS) Management Plan Amendments Summary
Central Iowa Community Services (CICS) Management Plan Policies & Procedures DRAFT FY22
MHDS Rules Presentation with Timeline
Commission Planning Table 2021

Welcome and Introductions

Lorrie Young called the meeting to order at 9:33 a.m. and led introductions. Quorum was established with six members present virtually. Lorrie asked Commission members to let the Commission know of any conflicts when voting.

Review of Open Meetings, Conflict of Interest, and Ethical Considerations of Commission Membership

Gretchen Kraemer introduced herself and explained that the Commission as a state commission is governed by open meetings laws which are in Iowa Code Chapter 21. There must be an agenda for

each meeting. Agendas must be posted at least twenty-four hours before the meeting and available to the public. The agenda is the invitation to the public to come to the meeting. In the past, there have been questions about taking agenda items out of order during the meeting when presenters are running late or not available. Commissions are allowed to take items out of order, but Gretchen stated that this should be done in a way that preserves the agenda as much as possible. The concern is that members of the public will miss something of interest if it is presented at a different time than what is posted on the agenda. If something important comes up that is not on the agenda, Gretchen encouraged the Commission to push it to another meeting so that the public can have adequate notice. Phone participation is allowed as long as the phone number is published and the call is done via speaker phone. Electronic participation and email participation is also valid, but such emails are public information and subject to Freedom of Information Act requests.

There are rules dictating how boards and commissions can go into closed session. There are times when sensitive information is being discussed when the Commission would want to discuss it off of the public record such as pending litigation or a contested case, but only that item could be discussed in closed session, and any vote or decision would need to be made and announced publicly.

Gretchen noted that if the Commission had an informal outing where a quorum of members were present, and conversation turned to the business of the Commission, this would be considered a meeting that did not comply with open meetings laws. If there is a quorum of members present, they cannot discuss the business of the Commission without adequate public notice.

Open meetings are required to have a period during the meeting for public comment. This could be a specific period of time reserved for public input, or the Commission has, as a matter of practice, allowed for public input throughout its meetings, which is also acceptable.

Committees within the Commission can meet and are not governed by open meeting laws. They must have less than a quorum, and they may only make recommendations. The Commission must vote on any decisions. Commission members can discuss the business of the Commission in informal or social settings as long as less than a quorum is present. Once there is a quorum, open meeting laws apply.

Conflicts of interest arise when a member of the Commission has a personal or professional stake in a decision being made by the Commission. If a matter comes to the Commission that would affect a member personally or their business, the member must abstain from any vote on the subject and shouldn't participate in the discussion due to the appearance of conflict.

The Commission is allowed to lobby, however it must follow certain rules. The Commission must elect one representative to be the designated lobbyist, which is traditionally the chair. The designated person must register as a lobbyist, and the Commission must vote on all official Commission positions. Individual members are still allowed to lobby as private citizens, but cannot claim to represent the Commission while doing so.

Review of Commission Duties

Theresa Armstrong indicated that the Commission's statutory duties are listed in Iowa Code 225C.6. Theresa summarized the duties saying that the Commission provides advice on the Department of Human Services budget, assist in the development, notice, and adoption of Administrative Rules, and provide recommendations to DHS on amendments to MHDS Regions Annual Service Plans and Budgets or if there is a new designation for a community mental health center. Theresa said the Commission's collaboration with the DD Council and Mental Health Planning Council is also important, and provides the Department with valuable information.

Review and Vote on April 15, 2021 Meeting Minutes

Tim Perkins made a motion to approve the March 18, 2021 meeting minutes. Diane Brecht seconded the motion. The motion passed unanimously.

Review of the Administrative Rule-Making Process

Nancy Freudenberg introduced herself and said that along with administrative rules her bureau also handles appeals and exceptions to policy. Nancy said that all state agencies must follow the same procedure for administrative rules, and that DHS has the most rule packages because they are the biggest agency serving a wide variety of populations. DHS can only make changes to administrative rules when they have the legal authority to make the changes. The preamble of each rules package lays out the time frame for public comment and all changes made to the rules. All comments received are published along with the Department's response to them.

Once the rule packages are published they go to the Administrative Rules Committee for their review and the public can also present and make comments at those meetings. The Committee doesn't act the first time the rules are noticed but can provide input and the second time the rules come through they can do a 70 day delay or session delay which puts the rules on hold from going into effect or refer rules to general assembly for the heads of each session to review concerns and the rules still go into effect. In general, the entire rules process takes about 6 months.

There was discussion regarding the emergency rule-making and what they all entails.

MHDS Regional Policies and Procedures Amendment – Central Iowa Community Services Region

Karla Webb, Director, Story County Community Services, Central Iowa Community Services (CICS), introduced herself and reviewed updates to the Region's policies and procedures manual. Karla referenced the changes noted in Central Iowa Community Services (CICS) Management Plan Amendments Summary. Betsy Akin motioned to recommend approval of the changes and Diane Brecht seconded the motion. The motion passed unanimously.

Commission Planning Table and Committee Assignments

Russell Wood reviewed the commission planning table and spoke about the committees the Commission has, and their responsibilities throughout the year. The Commission members volunteered to serve on the following committees.

Legislative Priorities Committee

- Tim Perkins
- Lorrie Young
- Betsy Akin
- Diane Brecht
- Cory Turner

Cost Increase and Communications Committee

- Rich Whitaker
- Lorrie Young
- Diane Brecht (pending Legislative Priorities becomes full discussion item for full Commission)

Administrative Rules Committee

- Russell Wood

- Richard Whitaker
- Lorrie Young
- Diane Brecht

It was discussed that since there is such a small number of current MHDS Commission members and the desire of most members to have input regarding legislative priorities that it might be better to have this committee discussion added as a regular agenda item until the annual report is finalized. It was also noted that as appointments are made they can be assigned to committees, and that committees should plan to meet following the regular Commission meetings.

Discussion on the Return to In-Person Meetings

Commission members discussed when it would be appropriate to return to in-person meetings. It was determined that in-person meetings were preferable as soon as this option is possible, and having a hybrid Zoom option at the in-person meetings is desired to allow greater accessibility for members and the public. There was discussion regarding what would be needed to continue to have a Zoom option when the Commission returns to in-person meetings, as well as the current barriers to this option. There was additional discussion regarding physical distancing, limited space, the challenges of wearing a mask during a meeting, and whether masking would be required at the meetings.

Planning for Future Meetings

Lorrie Young asked if there are any items that members would like included on the agenda for future meetings. Topics of interest included; implementation of children's services, summarization of SF619, co-occurring disorders (mental health and substance use), increase in need for services as pandemic restrictions lift, loss of workforce leadership, explanation of service types including challenges faced by providers, Certified Community Behavioral Health Clinics (CCBHCs) and how do we move this forward as a statewide model, overview of the evidence-based practices required in rules for the MHDS Regions, and an update on 9-8-8 implementation planning grant.

Public Comment

Todd Lange introduced himself and stated that a hybrid approach for the statewide public meetings would open up access to people who might not be able to attend face-to-face due to disabilities, weather, etc., and it also opens the meetings to others who might want to get involved, but are unable to travel.

Adjourn

Diane Brecht motioned to adjourn the meeting and was seconded by Betsy Akin. The motion passed and the meeting adjourned at 11:44 a.m.

Minutes respectfully submitted by Wendy DePhillips.